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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,875	08/20/2001	Koji Hashimoto	500.40529X00	4061

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,875

Applicant(s)

HASHIMOTO ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Amendment received on 11/03/2004 is acknowledged and entered. Claims 1-6 and 11-15 have previously been canceled. Claims 8-10 have been amended. New claims 16 and 17 have been added. Claims 7-10 and 16-17 are currently pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7, 8 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (US 6,714,797).

Claim 7. Rautila teaches a system for transmitting a digital products to a mobile device, comprising an electronic shop server for storing digital data and advertising (C. 4, L. 41-43; C. 6, L. 66); a hotspot device (radio communication means) for detecting distance between hotspot device and a mobile device, and for transmitting and receiving data between a plurality of mobile devices and said server (C. 4, L. 48-59);

wherein said server, upon detecting a presence of said mobile device in a predetermined distance from the hotspot device, transmits a menu of digital products available for purchase to said mobile device, and, upon selection of a digital product by a user of said mobile device, downloads to said mobile device the selected digital product (C. 4, L. 41-59).

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Claim 8. See reasoning applied to claim 1. Downloading the selected digital product from the menu inherently indicates downloading a more detailed version of said information presented in said menu.

Claim 17. Rautila teaches a system for transmitting a digital products to a mobile device, comprising an electronic shop server for storing digital data and advertising (C. 4, L. 41-43; C. 6, L. 66); a hotspot device (radio communication means) for detecting distance between hotspot device and a mobile device, and for radio transmitting (LPRF) and receiving data between a plurality of mobile devices and said server (C. 4, L. 48-59); wherein said server, upon detecting a presence of said mobile device in a predetermined distance from the hotspot device, transmits a menu of digital products available for purchase to said mobile device, and, upon selection of a digital product by a user of said mobile device, transmits to said mobile device the selected digital product (C. 4, L. 41-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Official Notice.

Claims 9 and 16. Rautila teaches all the limitations of claims 9 and 16, except specifically teaching means for updating advertising information.

However, Rautila teaches that said system can be utilized in places like restaurants, airports, train stations (C. 5, L. 1-2).

Official Notice is taken that it is well known that restaurants and/or travel agencies update their menu and/or ticket schedules depending of time of day, holiday seasons, promotion companies, etc.

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Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Rautila to include means for updating advertising information, because it would advantageously provide users with up-to date information, thereby allowing users to purchase the latest products.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Lang (US 2003/0083931).

Claim 10. Rautila teaches all the limitations of claim 10, except specifically teaching a storage section for storing history of detected mobile device and an identifier of said mobile device.

Lang teaches a system for providing advertising to mobile users, comprising a central server for storing advertising information [0021]; a wireless communication means for transmitting and receiving data between a plurality of mobile devices and the central server [0021]; a mobile device (computer) physical location detection means [0015];

wherein said central server includes a memory for storing a user file, said file including information related to user's network activities, and the past and present physical location of the device (computer) [0017]; and for storing computer's ID (identifier) [0014].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rautila to include a storage section for storing history of detected mobile device and an identifier of said mobile device, as disclosed in Lang, because it would advantageously allow to identify habits and interests of the users of said mobile devices, and present them with advertisement information related to their habits and interests, thereby potentially increase revenue.

Response to Arguments

Applicant's arguments in respect to claims 7-10 and 16-17 were fully considered but are moot in view of new ground of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Igor Borissov
Patent Examiner
Art Unit 3629



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2/6/2005